



## DEFENSE INFORMATION SYSTEMS AGENCY

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JAN 30 2014

DISA INSTRUCTION 220-50-39\*

### POLICIES

#### Equal Employment Opportunity and Diversity (EEOD)

1. **Purpose.** This Instruction prescribes policy and assigns responsibilities for equal employment opportunity and diversity (EEOD). It also provides guidance on the timelines for entering the complaints process.
2. **Applicability.** This Instruction applies to DISA activities.
  - 2.1 This Instruction applies to all civilian employees and supervisors of civilian employees employed with DISA and civilian applicants seeking employment with DISA.
  - 2.2 This Instruction does not apply to military personnel, as equal opportunity for military personnel is addressed in DoD Directive 1350.2, The Department of Defense Military Equal Opportunity Program.
3. **Authority.** This Instruction is published in accordance with the authority contained in DoD Directive 1440.1, The DoD Civilian Equal Employment Opportunity (EEO) Program, 21 May 1987; DoD Directive 1020.02, Diversity Management and Equal Opportunity (EO) in the Department of Defense, 5 February 2009; Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008, 42 U.S.C. § 2000ff. *et seq.*; and 29 CFR Part 1614--"Federal Sector Equal Employment Opportunity," published on the U.S. Equal Employment Opportunity Commission (EEOC) Web site.
4. **Policy.** DISA is committed to providing EEOD for all employees and applicants for employment on the basis of merit without regard to race, color, religion, sex, sexual orientation, age, national origin, genetic information, disability, or other nonmerit-based factors. Every effort will be made to ensure all employment decisions and personnel actions, including recruitment, selection, training, promotion, transfer, and benefits are administered in conformance with Federal statutes and regulations governing equal employment and personnel management.
  - 4.1 Discrimination based on race, color, religion, sex, sexual orientation, age, national origin, genetic information, and disability is prohibited. Reprisal against persons presenting or processing allegations of discrimination is also prohibited.
  - 4.2 Practices that impede equal employment opportunity for all employees and applicants for employment including sexual and nonsexual harassment in the workforce and architectural, transportation, and other barriers affecting individuals with disabilities will be eliminated.

4.3 EEOD will be recognized as an essential element of readiness that is vital to the Agency mission.

4.4 Programs will be developed to promote diversity and ensure equal employment opportunity (EEO) in the civilian workforce at all grade levels, in every occupational series, and in every major organizational element in accordance with Equal Employment Opportunity Commission (EEOC), Office of Personnel Management (OPM), and Department of Defense (DoD) regulations.

4.5 EEOD policies, practices, and procedures will be fully integrated into the civilian personnel management system.

4.6 Appropriate corrective or disciplinary action will be considered, documented, and taken when there is a finding of unlawful discrimination.

## **5. Responsibilities.**

**5.1 Director for Equal Employment Opportunity and Diversity (EEOD).** The Director, EEOD, subject to the direction, control, and authority of the Director, DISA, will:

5.1.1 Serve as the primary advisor to the Director, DISA, on all matters pertaining to EEOD for the Agency.

5.1.2 Develop policy and provide oversight for EEOD for the Agency.

5.1.3 Provide guidance, assistance, and command-specific training on EEOD responsibilities and the discrimination complaints process.

5.1.4 Appoint volunteer collateral duty EEO counselors at field commands and ensure each counselor receives mandatory EEO training including annual refresher EEO training.

5.1.5 Ensure all discrimination complaints are processed in a timely, objective, and efficient manner and in compliance with established regulations.

5.1.6 Conduct trend analyses to help identify root causes of discrimination and under representation.

5.1.7 Analyze complaints and advise on modification of policies and practices within the Agency found to have an unlawful discriminatory impact.

5.1.8 Serve as the primary link between headquarters and subordinate activities to monitor and enforce compliance and to facilitate reporting requirements and program assessments.

5.1.9 Ensure appropriate coordination with General Council (GC), Inspector General (IG), human resource (HR) officials, and management personnel on issues pertaining to EEOD.

- 5.1.10 Provide EEOD support to Agency directorates to include advice and guidance on the elimination of barriers to equality of opportunity, quarterly workforce profile data, EEOD-related briefings and training, and Special Emphasis Program (SEP) administration.
- 5.1.11 Conduct an annual assessment of EEOD for the Agency that involves managers and supervisors and provide the results of the assessment and plans for corrective action to the Director, DISA, for review and approval.
- 5.1.12 Conduct climate assessments at all DISA local and field activities on a rotational schedule to meet the requirements set forth by Management Directive 715 and enhance the overall DISA equal employment opportunity efforts to proactively reduce complaints. (Climate assessments allow for proactive assessment of critical organizational climate dimensions that can have an impact on readiness and effectiveness of an organization and ensure discriminatory policies, practices, or procedures that may have negative impact on employees of DISA do not exist.)
- 5.1.13 Ensure an EEOD subject matter expert (SME) is assigned to the IG inspections team for command climate assessments, when the IG inspection team is conducting assessments of DISA field sites.
- 5.1.14 Annually evaluate the effectiveness of the EEOD in identifying and eliminating barriers.
- 5.1.15 Provide a briefing to the Director, DISA, and senior activity leaders on the status of EEOD. (A signed copy of the completed status report is to be forwarded to the Office of the Secretary of Defense, as required by DoD Directive 1440.1.)
- 5.1.16 Coordinate Special Emphasis Programs (SEPs) (Asian American and Pacific Islander; African American; Individuals with Disabilities; Federal Women; Hispanic; Native American; and Lesbian, Gay, Bisexual, and Transgender) as integral parts of EEOD.
- 5.1.17 Promote observance of nationally proclaimed or other specially designated community activities that particularly affect minorities, women, and people with disabilities. (Examples of special observances include Dr. Martin Luther King, Jr.'s, Birthday, Black History Month, National Women's History Month, Women's Equality Day, Hispanic Heritage Month, National Disabilities Employment Awareness Month, and other special observances recognized by DoD.)
- 5.1.18 Provide an EEOD educational program (including training in the prevention of sexual harassment) for civilian and military personnel who supervise civilian employees.
- 5.1.19 Approve EEOD awards to recognize individuals and organizational units for outstanding achievement in EEOD.
- 5.1.20 Review all award and management training programs to ensure all employees are considered consistent with their qualifications and program criteria and without regard to race, color, religion, sex, age, national origin, genetic information, disability or other nonmerit-based factors.

**5.2 Director for Manpower, Personnel, and Security (MPS).** Under the leadership of the Director, DISA, and with the advice and assistance of the Director, EEOD, the Director, MPS, will:

5.2.1 Develop and implement the Federal Equal Opportunity Recruitment Plan (FEORP) for minorities, women, and individuals with disabilities and the Disabled Veterans Affirmative Action Program (DVAAP), as required by OPM.

5.2.2 Develop and implement career development opportunities; such as, upward mobility programs.

5.2.3 Compile data for Agency affirmative action plans and other EEOD special analyses and reports.

5.2.4 Identify and develop strategies for the removal of employment barriers to affirmative action in the civilian personnel management system.

5.2.5 Evaluate employment policies, practices, and patterns within the Agency and identify and correct institutional barriers that restrict opportunities for employment, advancement, awards, or training for minorities, women, and individuals with disabilities and provide leadership in eliminating such barriers.

**5.3 Principal Directors, Directors, Commanders, and Chiefs of Major Organizational Elements.** Under the leadership of the Director, DISA, and with the advice and assistance of the Director, EEOD, these individuals will:

5.3.1 Ensure their organizations comply with all applicable EEOC, OPM, Office of Management and Budget (OMB), and Department of Justice (DOJ) regulations; all implementing DoD issuances; and this Instruction.

5.3.2 Treat EEO and diversity management as essential elements of management that are vital to the mission of the Agency.

5.3.3 Ensure collateral duty counselors within their component or directorate are appointed and coordinate their EEO actions with EEOD.

**5.4 General Counsel (GC).** The GC or his authorized designee shall:

5.4.1 Provide advice to the Director, DISA, on all legal matters concerning EEOD.

5.4.2 Assign Office of the General Counsel (OGC) attorneys to serve as Agency representatives for DISA in third-party proceedings.

5.4.3 Review all settlement agreements pertaining to EEO, discrimination, or diversity.

5.4.4 In representing the best interest of DISA, ensure Agency representatives work closely with EEOD officials responsible for processing complaints, while maintaining the integrity of the discrimination complaint process.

5.4.5 Ensure Agency representatives provide appropriate coordination with EEOD, HR officials, and management personnel on issues pertaining to EEOD.

**6. Duties of Managers and Supervisors.** Managers and supervisors will:

6.1 Provide a work environment free from hostility, discrimination, reprisal, and offensive behavior, including sexual and other forms of harassment.

6.2 Act promptly to provide reasonable accommodations for qualified individuals with disabilities.

6.3 Act promptly to prevent or correct situations that may give rise to discrimination complaints.

6.4 Provide opportunities for employees to enhance their skills through on-the-job training, work and study programs, and other job-related training and opportunities so that they may perform at their highest level of ability and advance in accordance with their performance, ability, and potential.

6.5 Cooperate with EEOD officials, counselors, investigators, and the designated Agency representative, at every stage of the complaints process.

6.6 Participate and cooperate in reasonable resolution attempts, including Alternative Dispute Resolution (ADR), in accordance with DISAI 100-50-14, Alternative Dispute Resolution, and take timely action to fully implement the terms of a binding settlement agreement.

6.7 Ensure subordinates fully cooperate with mediators, EEOD counselors, Agency representatives, investigators, EEOC Administrative Judge (AJ), and other EEOD officials involved in the processing of discrimination complaints.

6.8 Ensure subordinates refrain from actions or comments that could be viewed as discriminatory.

6.9 Ensure employees have access to information regarding the discrimination complaint process and procedures.

**7. Duties of Employees.** Employees will:

7.1 Treat their coworkers, supervisors, and subordinates in a professional manner; maintain an attitude of mutual respect toward all employees; and conform with good EEOD policies, practices, and procedures.

7.2 Conduct themselves in a manner consistent with the principles of EEOD and refrain from activities that reflect adversely on the Agency.

7.3 Keep informed of EEOD policies and procedures that affect their performance on the job.

7.4 Promptly report incidents they believe constitute an incident of discrimination.

**8. Timelines for Entering the Complaints Process.**

8.1 Employees who believe they have been discriminated against must contact EEOD within 45 calendar days of the date when the alleged discriminatory act occurred or within 45 calendar days of the effective date of the alleged discriminatory personnel action.

8.2 Applicants for employment who believe they have been discriminated against must contact the EEOD within 45 calendar days of the date when the alleged discriminatory act occurred or within 45 calendar days of the effective date of the alleged discriminatory personnel action.



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SUMMARY OF SIGNIFICANT CHANGES. This Instruction now includes genetic information as a basis of discrimination in accordance with Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008. Additionally, this Instruction no longer addresses the complaint process, as the complaint process is addressed in 29 CFR 1614--"Federal Sector Equal Employment Opportunity." This update only provides guidance on the timelines for entering the complaints process.

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\*This Instruction cancels DISAI 220-50-39, 19 February 1992, and must be reissued, canceled, or certified current within 5 years of its publication. If not, it will expire 10 years from its publication date and be removed from the DISA issuances postings.

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